

# THE NEWS BOY

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NO. 9

## THE ORGAN GRINDS.

But the Music is Not in Accord With the Facts.

Judge Riley is a good judge of law, and heard the Leftwich case on its merits, and he not only gave Mr. Leftwich an honorable discharge, but he judicially censured the present county court—the big two—for meddling in things that did not concern them.—Local Ring Organ.

So says "de push." But the facts are different. While we hardly deem it necessary, yet, since the above "yarn" has been scattered broadcast over the county, we will refer briefly to the facts. While it will take considerable time and space, yet we consider that the people ought to thoroughly understand it, and we propose to make it plain.

The case has never been "tried on its merits" before Judge Riley or any other judge. At the August term, 1894, the old county court made an order which was intended to cover up the whole affair and relieve Mr. Leftwich and his bondsmen of any liability. At the February term, 1895, the new county court removed the cover and found that there was a shortage of over \$3,000—according to Mr. Leftwich's own sworn statements filed at each term of court.

The county court labored under great disadvantage. They were not lawyers and had no legal advisor. Our "astoot" prosecuting attorney, who may always be seen at each term of court presenting his bill for services rendered in behalf of the dear people, plainly told one of the judges that he would have nothing to do with the matter, and that they would have to get some other attorney. This action on the part of Mr. Moore was evidently due to the fact that he cut a very conspicuous figure in covering up the job.

The court was at sea. There was no law authorizing them to employ additional counsel and pay him out of the county revenue, unless authorized by the prosecuting attorney. However, they felt that they were the financial agents of the people, and that they could not conscientiously see the people wronged out of so great an amount. Individual citizens and taxpayers encouraged them by agreeing to share the expense of counsel. Accordingly J. W. Limbaugh and Geo. S. Elliott were consulted and employed. They gave it as their opinion that there was no question but that the money could be recovered, and according to the advice of these attorneys, the county court ordered Mr. Leftwich to pay over the amount due within fifteen days—just the same as any creditor would ask a debtor to pay what he owed within a specified time, or he would be sued.

Mr. Leftwich appealed to the circuit court. Mind you, there was no judgment. The county court had no jurisdiction in the matter, beyond as acting as the representatives of the taxpayers and demanding what was due them. The county court could not render judgment because they had no process by which to enforce it. Their order was simply a request to pay what they believed to be due the people—not a judgment. Keep this in mind.

At the April term, 1895, Messrs. Limbaugh and Elliott filed and argued a motion to dismiss the appeal on the ground that the order of the county court was not a judgment, but simply an act of the financial agents of the people, demanding what was due them, and that no appeal lies. The defense took the stand that it was a judgment and that our present court acted judicially.

The question now hinged upon a technicality. The county's attorneys held that there could be no appeal because the county court had no power to render and enforce such a judgment, and the defense took the stand that it was a judgment, and that the county court had competent jurisdiction. Think of this, tax-payers and voters! One side contends that the county court had no right to render and enforce judgment. The other side contends that it was a judgment, and that the court had a right to render and enforce it.

However, it proved to be a puzzle to Judge Riley. He hummed and hawed, screwed and squirmed on it

during that term of court and finally announced that he would render his decision six months later.

At the October term, last, the decision was rendered. Some it surprised and some it did not. We are no lawyer, but, according to what little horse sense we have, Judge Riley held that when you "duh" a man for what he owes you, you have a right to appeal to the circuit court. In other words, Judge Riley held that the order or demand of the county court was a judgment, and that the appeal to the circuit court was proper.

Now mark this: At this same October term the attorneys for Mr. Leftwich filed a motion to dismiss because the county court had no jurisdiction, and Judge Riley sustained the motion. And it is upon these motions that the case now hangs fire in the Supreme court. The merits of the case have never been before any court. The object of the defense is to keep it out of court, if possible. The question now before the Supreme court has nothing to do with the merits of the case, and is only a technicality by which the defense hopes to kill time. They know that as soon as the case comes squarely before the court on its merits the jig is up.

The attorneys for the county are perfectly confident that Judge Riley will be reversed by the Supreme court. However, the point before the Supreme court is a mere technicality and will not figure in the final trial of the case. It is only a question as to whether or not the case was properly instigated. If the higher court sustains Judge Riley, then the county will simply bring suit on the bond—provided the present members are re-elected. If the ring succeed in electing men to the county court bench who are favorable to them, and succeed in retaining their present prosecuting attorney, then the case may be withdrawn.

The "organ" tells us that the Leftwich case has been tried upon its merits, and that he was honorably discharged by Judge Riley. The fact remains, however, that no suit has been instituted against Mr. Leftwich, or his bondsmen, as yet, and that there is nothing beyond an order of court, or a request, to pay over the surplus. From this order, demand or request, as you may see fit to term it, Mr. Leftwich appealed. Nothing more has been before any court.

In such cases the county court has no power to render judgment—Judge Riley to the contrary, notwithstanding. How can a court render a judgment when it has no power or process by which to enforce it? One might as well contend that a justice of the peace has the right to sentence a man to the penitentiary. He might sentence him all right, but by what process is he going to get him there? Had the county court rendered a judgment against Mr. Leftwich for the amount due, Mr. Leftwich would have paid no attention to it. He is smart enough to know that that court had no process by which to enforce such judgment.

The "organ" further tells the people that Judge Riley severely criticized the present county court for their action in meddling with matters that did not concern them, but the organ grinder fails to quote a single utterance from Judge Riley to sustain his statement. Judge Riley said not one word in criticism of the present county court, but in regard to the action of the old county court he said:

"The statute makes it the duty of the court to examine each report of fees, and, after allowing the clerk his salary and the amount paid out for deputy hire, to order the surplus to be paid into the county treasury." In this case not a single requirement of the statute has been followed. No order has been made or attempted to be made to compel the clerk to pay over fees until his term of office had expired. There is no warrant in the statute for such action.

Although the local campaign has been on for two months, the News-Boy has never, during this time, referred to this case. It was our intention not to refer to it at all. We believed that the people were fairly well posted, and were willing for them to decide. But when the mouth-

piece of the ring appeared with such brazen misstatements of the facts, we considered it our duty to the people to give them the plain, unvarnished facts.

## Easter Services.

Easter Sunday was duly observed in Benton. The church was filled with house flowers and back of the rostrum arranged in a semi-circle were the words "Christ is Risen" in letters of cedar.

The exercises consisted of selected songs and recitations, and the ladies under whose management the services were held, and those taking part in them, are to be congratulated upon their success, and the interest exhibited in the observance of the day.

One very beautiful exercise was the building of a pyramid of life by eight little children, with Temperance for a base, followed then by blocks representing Knowledge, Godliness, Character, Truth, Charity, Virtue and Faith.

Mrs. McPheeters acted as organist and in the choir were most of the young people of Benton—the ladies, as usual, on such occasions, outnumbering the boys.

The visitors who attended from neighboring towns were Du Fullenwider and wife, Mesdames Lynch and Arbaugh, Joe Ellis, Miss Birdie Moore, John Beardslee, Miss Birdie Gaiter, Misses Teva Fullenwider, Fannie Wylie and Lizzie Clymer, of Commerce; Messrs. Thos. Hinkle, Wm. Hobbs, Caleb and Rube Matthews, Oran.

## The Whys and Wherefores.

Some people wonder why the "Hon." Wm. Hunter takes such an active part in the local campaign. To those well acquainted with him this is no mystery. Large railroads and other corporations spend large sums of money and grow rich by being able to control state and national legislation in their interest. Mr. Hunter owns large bodies of land in Scott county and hopes to grow richer by manipulating the affairs of county in his interest. To have county officials and a county court that he can handle is a matter of no small importance to Mr. Hunter. He is not spending his time and money in the interest of the people. Oh no; he is not built that way. He is always on the lookout for No. 1. For every dollar he expends he expects to be benefitted tenfold in case his men get charge of public affairs. The safest plan for the general good is to oppose every man that Mr. Hunter favors.

## Grand and Petit Juries.

The grand and petit jurors drawn to serve at the April term of the circuit court, 1896, are as follows:

### GRAND JURY.

Chas. Chaney, F. A. Griggs, G. M. Smith, R. J. Watkins, W. H. Stallcup, W. J. Wilson, T. G. A. Matthews, G. C. Rose, Carter Foster, W. H. H. Hutson, Joseph Scherer, C. N. Welch.

### PETIT JURY.

Aug. Dobogye, E. F. Bryans, Ed. Newman, Wm. Watson, J. H. Stagner, Ed. Burke, Jno. Tippy, Jesse Wyatt, Chas. Clark, Jas. R. Joyce, Herbert Ellis, J. B. Church, John Edmonson, Jno. Roth, Ben Ellis, H. C. Marshall, Chas. Will, Thos. Owens, J. R. Morrow, Anton Legrand, B. F. Allen, Frank Russell, John Blattel, Ed Holmes.

## A Hint to Tax-Payers.

For the consideration of the men who dig, plow and pay the taxes, we will give the criminal costs, as taken from the county records, of the last five years Mr. DeReign served, and the succeeding five years during which Mr. Moore has held the office of prosecuting attorney—for the years ending February 1, respectively:

DE REIGN. MOORE.

1891, \$1,481.44.	1892, \$3,049.20.
1893, 2,375.68.	1894, 4,343.67.
1894, 1,292.28.	1895, 4,083.45.
1895, 1,955.95.	1896, 3,390.85.
1891, 2,523.98.	1896, 3,390.60.

Total, \$9,537.33. Total, \$18,757.73.

Thus it may be seen that our present prosecuting attorney is quite an expensive luxury—costing the people about double what his predecessor cost them.

## FROM BLODGETT.

Miss Lizzie Baty, a very pleasant young lady of Union City, Tenn., who has been visiting her brother, J. W. Baty, at this place, left last Monday for her home. The young folks of Blodgett will miss her very much from their social circle.

Last Sunday was a big day in old Blodgett. A crowd came down from Commerce with a string band and about noon the Morley brass band sprang a surprise on the people in the way of some very nice music which was greatly appreciated. All had dinner at the famous Commercial Hotel and enjoyed a good time generally.

Mrs. Carrie V. Pigg and children went to Charleston last Saturday for a week's visit to relatives and friends.

John A. Snider, a Republican candidate for Congress, and Capt. Chris F. Betten, present circuit clerk of Cape Girardeau county, came down last Saturday afternoon and scrubbed about until Sunday afternoon with the boys here, with whom Mr. Betten is very well acquainted, having made this place his home for two years. They dragged in with them from the Benton mass meeting Dr. R. A. Sparks and the Dispatch editor, who corroborated the testimony of Messrs. Snider and Betten to the best of their ability.

Rev. H. S. Lantz preached for us a few nights this week. He is a General Baptist minister but we did not learn his residence.

Blodgett sustained her reputation at the Republican Convention at Benton last Saturday, for when they all got rounded up in the court house there were about eighty or ninety of them in the gang. We don't do anything here by halves, even a mass meeting goes like a wooden leg at a public sale on twelve months credit.

Hon. Seth S. Barnes, of New Madrid was in town last Thursday accompanied by Victor Scofield, of Benton. Mr. Barnes was around fixing up the low places in the fences about his race for the Republican congressional nomination at Poplar Bluff. He is a plain every-day kind of man and that is what goes down here.

Ben Marshall and Miss Lessie Peal, Lewis Watkins and Miss Pearl Peal, S. P. Marshall and Miss Amanda Ashley, E. C. Myers, F. H. Reddick, represented Blodgett at the big Oran ball last Tuesday night. They report a most enjoyable time all around.

Blodgett is the hottest political spot in this county. The township is pretty evenly divided for pretty near all the candidates and therefore they make a whole lot of tracks about this place, and many and interesting are the varied tales which they pour into the car of the undecided voter. Many are the fairy tales that fall soothingly upon his sometimes unwilling ear like the benediction that follows after prayer.

The ladies of the two big churches are to be praised for their successful enterprise last week in the shape of the box supper at the M. E. church. A large and merry party came down from Oran and participated in the good time. The net receipts reached \$16.50, and many were the laughable incidents that took place when the boxes were distributed.

Dr. J. S. Sparks put up a new fence Saturday and Dr. R. A. Sparks has attached a front porch to his office at his residence.

C. C. Halsted and R. A. Sparks are the Blodgettmen put on the Republican ticket at Benton last Saturday by the nominating convention.

In our humble opinion this "Curfew bell," or horn, or whistle, which so many towns are using to run all kids under a certain age home at a certain hour, are not getting at the root of the evil at all. It is only a half-way reform at best because if you ever noticed it, it is the old boys who do all the devilment after dark. Ain't we right? KLEINSTEIN.

## To the Public.

Owing to the serious illness of one of my children I have been unable to canvas my district as I intended to do. All I ask is that you consider carefully your own interests as well as mine and vote accordingly. JAMES F. EVINS.

## BOODLE! BOODLE!

The Ring is Trying to Buy Its Way into Office.

The Newsboy has repeatedly stated that the old ring was using money, whiskey, religion, falsehood, etc., in order to again get full control of the affairs of county, but we never expected them to become so brazen as to ask a voter his price.

Last Wednesday the news reached the Newsboy that Jasper Trotter, one of their lieutenants, had attempted to purchase the votes and support of M. C. Masters, of Diehlstadt, and J. L. Huey and Joe Ware, of Sandyland.

The Newsboy is never satisfied with rumors, but always reaches out for the facts. Consequently a reporter was sent to interview Messrs. Masters, Huey and Ware, and they volunteered the following written statements, over their own signatures—the originals of which may be seen by calling at this office:

### M. C. MASTERS'S STATEMENT.

"On the 7th day of April, 1896, Jasper Trotter came to me and asked me to turn over and support Mr. Leftwich. I told him I could not do it. He (Trotter) insisted that I could carry this precinct for Leftwich if I would only try, and offered me \$10 if I would vote and work for him (Leftwich). I laughed at this offer and Mr. Trotter quickly remarked, 'I will give you \$20 for your support for Mr. Leftwich.' I refused to take any money from Mr. Trotter and he again opened his heart for Mr. Leftwich and said for me to name my price (producing his pocket book) as they had concluded to defeat Mr. Heisserer and would do so regardless of price or consequences.

### (SIGNED) M. C. MASTERS.

Diehlstadt, Mo., April 9, 1896.

### STATEMENT OF HUEY AND WARE.

"Jasper Trotter made the following statement: That he wanted us to give our support to John Leftwich for collector, and that he would give us \$50 a piece rather than have us vote against Leftwich. We replied and said that we did not need any money from Leftwich, as we did not think he would get a vote in our neighborhood; that we were for Heisserer and did not need money to elect one.

### (SIGNED) J. L. HUEY.

JOE WARE.

How do the honest people of Scott county like this style of buying office? The original of the above statements were handed the Newsboy, with a request to publish. He agreed to do so for \$5. His proposition was accepted, but evidently his bosses refused to let them appear.

## The School Elections.

School elections were held in the different districts of the county, last Tuesday, with the following result, so far as heard from:

BENTON—W. C. Lambert re-elected director for three years, an eight month's school and an additional tax of ten cents on the \$100 valuation was voted. That part of the district lying south and west of Benton hill, on the Commerce road was permitted to cut loose from this district in order to let them form a district of their own.

MORLEY—Changed to a village district and the following directors were elected: Jos. Lile and Peter Boyce, 3 years; C. D. Harris and James Smith, 2 years; Jos. Frobose and John Lee, 1 year. A nine months school was voted.

COMMERCE—W. J. Worsley and Robt. Finley elected directors, nine months school voted, and an additional tax of 20 cents on the \$100 valuation voted.

ORAN—Alex Wright elected director, now school house voted and \$600 to buy block for same in north part of town. Old site and building ordered sold. Eight months school.

SANDYLAND—Chas. Tanner and Sam'l Darby elected directors.

BLODGETT—J. M. McCormick and Chap Meyers elected directors. Eight months school.

KILBO—John Enderlee elected director and six months school.

To the Voters of Scott County I am reliably informed that A. W. Fizer claims to have a letter in his possession stating that I will not get ten votes in my own township. The people of Tyawpity township have elected and re-elected me as their justice of the peace, and I leave a man who will resort to such electioneering to the tender mercies of the voters. Respectfully Yours, L. J. WATTS.

## JUDGE EVINS TALKS.

The following letter, from Judge Evins, appears in the Benton Record of this week:

Benton, Mo., April 8, 1896.

### EDITOR RECORD:

Every honest, thinking man, who loves honesty, truth and fair dealing, and hates deception, misrepresentation and falsehood, cannot but mourn at the depravity of the times.

To gain some point or advantage men who claim respectability will, in matter of speech, deceive and falsify without a blush. The newspaper that was once the purveyor of news and the great palladium of honor and truth, has largely become the sewer of filth, misrepresentation and falsehood. This is a sad phase of human depravity. I have not seen this illustrated more clearly and forcibly than in your issue of last week, in which you misrepresented facts, in the interest of those who control the utterances of your publication, and who hope to deceive the people and be benefitted, personally, by the deception.

However, since I do not hold you responsible for the utterances of last week, I will refer briefly to my candidacy for re-election as an associate judge of the county court. It is a well-known fact that I strongly opposed making the race again, and that I endeavored to have some man to come out for my place. As evidence, I refer you to Jos. L. Moore, of Commerce, Dr. J. F. Bagwell, of Diehlstadt, W. R. Sherer and A. J. Sinaud, Blodgett, and John E. Marshall and Jasper Trotter, of Richland.

All these men—and here I wish to emphasize the names of Moore, Marshall and Trotter—told me that they knew of no one who expected to offer, and expressed themselves as being perfectly satisfied with me, and that they expected me to run again. There being no other aspirant, and believing these men to be honest and honorable in their declarations to me, I announced for re-election. No sooner had I announced than the "jugglery" began. The supreme question seemed to be, "Who can we put out to beat Evins?"

In a few days Mr. C. N. Welch, of Diehlstadt—a man whom I regard as a gentleman in every sense of the word—received letters from ex-Senator Hunter, of Benton and Jasper Trotter, of Richland, urging him to become a candidate. On March 21, at the Democratic convention at Benton, J. E. Marshall, who told me more than once that Richland was well pleased with me, and expected me to run again, held secret caucuses with Mr. Welch—the last being in the warehouse of Bonneton's saloon—after which Mr. Welch, in company with said Marshall, walked up to the bar, called out the drinks for the crowd and declared himself a candidate.

Mr. Welch being a strong anti-Leftwich man prior to his announcement, it was useless for Mr. Leftwich to approach him, but I know it to be a fact that Messrs. Hunter, Marshall, Trotter, Leftwich, Moore & Co. are trying to pull Mr. Welch through in the hope of having a court favorable to the withdrawal of the investigation the county has instituted against Mr. Leftwich, which, I believe, every honest and fair minded man favors.

The county court is not a trial court. We can only act as the representatives or agents of the people. We can neither render nor enforce judgment against Mr. Leftwich. All we can do is to follow the law, as we understand it. We have done so. Not only did we rely upon the statutes, but we referred the matter to Attorney-General Walker, and here is what he has to say:

Jefferson City, Mo., Nov. 15, 1895. MR. JAMES F. EVINS, Blodgett, Mo.

DEAR SIR:—The fees received each year by the clerk of a court of record should be applied to the payment of the clerk's salary for such year and quarterly returns thereof made by the clerk to the court as required by the statute. There is no law authorizing a clerk to collect back fees and apply them to the payment of balances which he may claim to be due him on previous years.

A county court has no authority to pay the amount allowed for a deputy

to a clerk of a court of record. This amount is intended for the payment of a deputy and not to add to the compensation of the clerk himself. This is not only the evident meaning of the statute, but the court has so held. The fees of each year must be applied to the payment of officials for services rendered during such year.

Your prosecuting attorney is your legal advisor and if he fails or refuses to do his duty he is amenable to the law and application may be made to your circuit court to correct his negligence. I certainly have no authority in the premises.

Respectfully,

R. F. WALKER.

It is claimed by some, that we are acting without authority. I would like to ask if the Attorney-General is not the highest authority of the State, and if we have not acted upon it—and this, too, in the face of the fact that our prosecuting attorney refused to advise us, or have anything to do with the matter, except to try to baffle and mislead us.

In conclusion I will say that I have been a friend and supporter of Mr. Leftwich since my advent into this county. I supported and voted for him two years ago. I did not believe the allegations of his opposition to be true. However, I cannot doubt the law and his own sworn statements, and if I am retained upon the county court bench I shall recover that money for the people or else know the reason why. I do not believe the people will retire me because I have followed the law and discharged my sworn duty. Respectfully,

JAMES F. EVINS.

Judge County Court, 1st Dist.

## A Brilliant Affair.

The ball at Oran last Monday evening, surpassed anything of the kind that has taken place in that town for years. About 9 o'clock the dancing people from all over the county began to gather and the hall was soon well filled. Lee Boicourt's orchestra, of Cairo, added much to the splendor of the affair, and the supper at the Commercial hotel was first-class.

Fred Coffman and wife, Murry Campbell, Wade Anderson, Ed. Wylie Frank Shouder, Joe Ellis, Will Ross and Ed. Childers, and the Misses Teva Fullenwider and Ethel Ireland were there from Commerce. Blodgett was represented by Chap Myers, Louis Watkins, Frank Reddick and Ben, and Sterling Marshall, and the Misses Lessie and Pearl Peal and Amanda Ashley. J. J. Hunter, Frank Martin, Jos. Frobose, Peter Boyce and H. Smith turned out from Morley, while Benton sent over R. A. Kingsbury, L. B. Russell C. D. Guplin, Ed. Henderson, Claude McCrackin, Dr. Butler, C. E. Bonneton, Ye editor and wife and the Misses Luta Gray, Daisy Leedy, Francis Steck, Effie Seifert and Eva Arnold.

—Sikeston had a "hot" municipal election last Tuesday. J. H. Shelby was elected mayor over Judge Greer by four votes—Shelby receiving 89 and Greer 85. Linton Jones was elected marshal; Fowler, assessor, John Edmonson and Wm. Scroff, alderman from the first ward; Jos. Cressap and J. L. Tanner, second ward.

—Oran elected Henry Schatz, Wm. Metz, Jos. Wright, Peter Dirnberger and W. H. Stubblefield as their village trustees last Tuesday. Commerce elected Dr. Blackledge, John Daily, Robt. Finley, Dr. Frazer and W. J. Worsley. The trustees elected at Morley are J. W. Halley, J. Greer and M. M. Lawrence.

—In the village election in Benton Tuesday the following Board of Trustees was elected. P. A. Hafner, James McPheeters, H. L. Yeakey, James Walker, Sr. and Albert DeReign.

—The county board of Equalization was in session this week but owing to the serious illness of his child, Judge Evins could not attend.

## Strayed or Stolen.

One sorrel horse about 15½ hands high, 10 or 12 years old and white star in forehead. One sorrel horse about 6 or 7 years old, 15 hands high and slightly lame in right hind limb. One black mule 16 hands high, 5 or 6 years old, big ears on right hind leg. Liberal reward will be paid for information leading to their recovery by CHARLES PROSSER, Benton, Mo.